

## 2009 DRAFTING REQUEST

### Bill

Received: 01/19/2010

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Luther Olsen (608) 266-0751

By/Representing: Nick Kitzman

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Beverages

Extra Copies:

Submit via email: YES

Requester's email: Sen.Olsen@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

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### Pre Topic:

No specific pre topic given

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### Topic:

Additional above quota liquor license for village in Waushara County

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### Instructions:

See attached

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### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 01/19/2010	jdye 01/20/2010		_____			Local
/1			mduchek 01/20/2010	_____	lparisi 01/20/2010	mbarman 01/29/2010	

FE Sent For:

at  
intro

<END>

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/?	agary	1/20/10	1/20				

FE Sent For:

**<END>**

**Gary, Aaron**

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**From:** Kitzman, Nick  
**Sent:** Tuesday, January 19, 2010 10:18 AM  
**To:** Gary, Aaron  
**Subject:** RE: Liquor license quota exception

Yes

**Nick Kitzman**

Office of State Senator Luther Olsen  
Office: 608-266-0751  
Toll Free: 800-991-5541

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**From:** Gary, Aaron  
**Sent:** Tuesday, January 19, 2010 10:16 AM  
**To:** Kitzman, Nick  
**Subject:** RE: Liquor license quota exception

And you want one additional license?

Thanks. Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
[aaron.gary@legis.state.wi.us](mailto:aaron.gary@legis.state.wi.us)

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**From:** Kitzman, Nick  
**Sent:** Tuesday, January 19, 2010 10:10 AM  
**To:** Gary, Aaron  
**Subject:** RE: Liquor license quota exception

Aaron:

Thanks for the information. After talking with my boss, I think we are going to go about this in the indirect way. I was hoping the bill to say something like:

"a village in the western geographical half of Waushara County with a population in the 2000 Census of 461"

Let me know if I need to supply any other information to get this drafted.

Thanks again.

**Nick Kitzman**

01/19/2010

Office of State Senator Luther Olsen  
Office: 608-266-0751  
Toll Free: 800-991-5541

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**From:** Gary, Aaron  
**Sent:** Thursday, January 14, 2010 2:37 PM  
**To:** Kitzman, Nick  
**Subject:** Liquor license quota exception

Nick,

Following up on our conversation a few minutes ago, there are several ways to identify the local government that is intended to receive the license under the quota exception.

1. The direct way: 2009 AB-626 is a fairly rare example of the direct method - it simply identifies Fort Atkinson as the affected community. It reads: "the city of Fort Atkinson in Jefferson County may issue, for restaurants, 2 "Class B" licenses in addition to the number of licenses determined for the city's quota ....."

I actually prefer the direct way, as it avoids the kind of problems and confusion that came up with AB-8 earlier this session, where it was discovered (too late) that the descriptive information was not accurate.

2. The indirect way: In the 2009 budget bill, various quota exceptions were worded as follows (to identify the affected local government):

"a city that is immediately adjacent to the southern border of the city of Milwaukee and that has an eastern boundary of Lake Michigan may issue 3 "Class B" licenses in addition to the number of licenses determined for the city's quota ....."

"a 4th class city located in Dane County having a population as shown in the 2000 federal decennial census of at least 8,000 but not more than 9,000 may issue one "Class B" license in addition to the number of licenses determined for the city's quota ....."

"a 3rd class city located in Dane County having a population as shown in the 2000 federal decennial census of at least 15,000 but not more than 16,000 may issue 2 "Class B" licenses in addition to the number of licenses determined for the city's quota ....."

and as you mentioned, this is from last session's SB-429:

"the village board of any village in the northern geographical half of Ozaukee County having a population of more than 4,000 may issue, to any applicant designated by the village board, one "Class B" license in addition to the number of licenses determined for the village's quota ....."

Using any of these examples would be fine - I'll just need you to provide me the descriptive information and for you to verify with the local government (or whoever would know) that the info. is accurate (as I don't independently verify that stuff).

Thanks. Aaron

Aaron R. Gary  
Attorney, Legislative Reference Bureau  
608.261.6926 (voice)  
608.264.6948 (fax)

01/19/2010



State of Wisconsin  
2009 - 2010 LEGISLATURE

500h

LRB-158817  
ARG fldrs

-4142/1  
stays

in 1/19

RMNR

2009 ASSEMBLY BILL 626

December 18, 2009 - Introduced by Representatives JORGENSEN, BALLWEG, HINTZ, PARISI, VAN AKKEREN and ZEPNICK, cosponsored by Senator TAYLOR. Referred to Committee on Urban and Local Affairs.

a village in Waushara County

Regen

- 1 AN ACT to create 125.51 (4) (w) 5. of the statutes; relating to: allowing the city  
2 of Fort Atkinson to exceed its retail liquor license quota by issuing one  
3 additional retail licenses.

Analysis by the Legislative Reference Bureau

Current law prohibits a person from selling alcohol beverages at retail unless the seller possesses a license or permit authorizing the sale. A "Class B" license authorizes the retail sale of intoxicating liquor for consumption on the retail premises and, subject to various restrictions, the retail sale of intoxicating liquor in original packages for consumption off the retail premises. Current law imposes a quota on the number of "Class B" licenses that a municipality may issue. This quota is generally determined by a formula based on the number of licenses previously issued by the municipality and the municipality's population. Current law also provides a limited number of quota exceptions.

This bill allows the city of Fort Atkinson to issue for restaurants, one "Class B" license in addition to the "Class B" licenses authorized under the city's quota. These licenses may be renewed, but if such a license is surrendered, not renewed, or revoked, the city cannot reissue the license. The city also cannot issue these licenses later than approximately six months after the bill's effective date.

villages

**ASSEMBLY BILL 626**

For further information see the <sup>✓</sup>*local* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 125.51 (4) (w) 5. of the statutes is created to read:

125.51 (4) (w) 5. Notwithstanding pars. (am) to (d) and s. 125.185 (5), the city of Fort Atkinson in Jefferson County may issue, for restaurants, 2 "Class B" licenses in addition to the number of licenses determined for the ~~city~~ quota under pars. (b) to (d). No "Class B" license may be issued under this subdivision after the first day of the 7th month beginning after the effective date of this subdivision .... [LRB inserts date]. If a "Class B" license issued under this subdivision is surrendered to the issuing city, not renewed, or revoked, the city may not reissue the license and the license may not be transferred under s. 125.04 (12) (b).

## SECTION 2. Initial applicability.

(1) This act first applies to the issuance of "Class B" licenses on the effective date of this subsection.

**(END)**

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4142/1ins  
ARG:.....

INSERT 2-2:

(no ~~¶~~) a village in the western geographical half of Waushara County<sup>✓</sup> having a  
population as shown in the 2000 federal decennial census of 461<sup>✓</sup> may issue one "Class  
B"<sup>✓</sup> license ~~NO~~  
~~¶~~

(end ins 2-2)



**Duerst, Christina**

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**From:** Kitzman, Nick  
**Sent:** Friday, January 29, 2010 12:41 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-4142/1 Topic: Additional above quota liquor license for village in Waushara County

Please Jacket LRB 09-4142/1 for the SENATE.